

Notice of Allowability	Application No.	Applicant(s)	
	09/412,510	ITOH ET AL.	
	Examiner	Art Unit	
	Marianne L. Padgett	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/30/2006, 8/31/2006, 9/22/2006 & interview of 2/28/2007.
2. ☒ The allowed claim(s) is/are 42 and 87-106.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/28/2007</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|--|

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Guay on 2/28/2007, to correct noncompliance problems & missing letter problems in the specification.

In the specification:

On page 9, line 1, change "th " to --see--;

on page 12, line 3 (first line of the first full paragraph), change "ar " to --are--;

on page 16, line 2, change " xpected" to --expected-- ;

on page 18, line 1, change "cas " to --case--;

on page 19, line 2, change "tw " to --two--, change "diam nd" to --diamond--, and

on the last line change "d positi n" to --deposition--;

on page 20, last line change "ev n to --even-- and "c ntinuous" to --continuous--;

on page 21, 7 lines from the bottom change "Cp." To --Co.--, and on the last line change "T kyo" to --Tokyo--;

on page 23, line 19 (3rd line of 2nd full paragraph), change " f" to --of--; and

on page 24, line 1 change "pr sent" to -- present --.

See the attached Appendix for the corrected version of the 8/30/2006 amendment to the specification, where the missing letters that have been inserted are underlined, and the examiner has initialed her corrections.

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2. The following is an examiner's statement of reasons for allowance: the applicants have amended the claims to require the plasma be perpendicular with respect to the substrate in all independent claims, thus removing the 112, first paragraph rejections, as well as art rejections based on Takahashi et al. (5,104,685) or Itoh et al. (5,766,696). Furthermore, applicants have clarified by statements on the record (middle of page 9 of the response of 8/30/2006 in the remarks) how the phrase "a plasma in the form of a plane" is intended to be read in light of the specification, relating the terminology to the configuration illustrated in figure 2, thus providing file wrapper estoppel for the meaning & removing the 112, second paragraph rejections with respect to this phrase. The examiner notes that this terminology is essentially equivalent to the "sheet beam plasma" terminology founded claims 92 & 100.

Approved Terminal disclaimers over PN 6,001,432 & 6,001,431, as well as SN 09/438,581, are now present the case, thus all obviousness double patenting rejections have been overcome.

Updated the search provided references to Kadlec et al. (7,138,343 B2) & Madocks (2006/0177599 A1), which while not prior art contain teachings of plasma beams of interest.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on M-F from about 8:30 a.m. to 4:30 p.m.

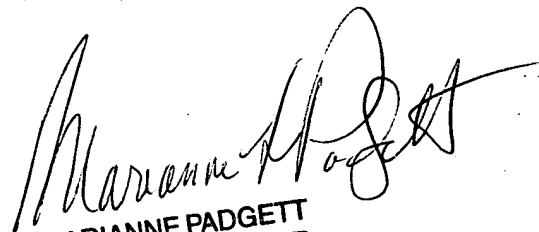
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks, can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLP/dictation software

3/5/2007 & 3/6/2007



MARIANNE PADGETT
PRIMARY EXAMINER